

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2008-031021-001 DT

11/12/2014

HON. SHERRY K. STEPHENS

CLERK OF THE COURT
K. Schermerhorn
Deputy

STATE OF ARIZONA

JUAN M MARTINEZ

v.

JODI ANN ARIAS (001)

KIRK NURMI
JENNIFER L WILLMOTT

CAPITAL CASE MANAGER

TRIAL MINUTE ENTRY
DAY FIFTEEN

Courtroom SCT-5C

State's Attorney:	Juan Martinez
Defendant's Attorney:	Kirk Nurmi & Jennifer Willmott
Defendant:	Present

Court Reporter, Mike Babicky, is present.

A record of the proceeding is also made by audio and/or videotape.

LET THE RECORD REFLECT that on 11/6/14 all paper exhibits (Exhibits 1-11; 14-210; 251-271; 275-287; 290-294; 317-342; 347; 361-363; 366; 382-388; 390-411; 413-417; 419-427; 430-453; 455-459; 461-469; 471-474; 481; 484; 485; 488; 489; 494; 495; 499; 504-507; 510-526; 529; 530; 532-538; 540-556; 558-603; 605-610; 612-615; 617-629; 631; 633-646; 648-665; 667-670; 676; 677; 679-732, 646 and 648-665) were released to Defense and returned on 11/12/14.

9:36 a.m. Trial to Jury continues from 11/5/14.

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The Jury is not present.

Court and counsel discuss matters.

The Court has considered the Motion for Sanctions filed November 10, 2014 and Exhibit 1, a video-recording of a portion of the hearing conducted on November 4, 2014. In the motion, Defendant Arias requests the Court sanction the media for violating its order dated May 21, 2014. Specifically, Defendant argues the media violated Rule 122 and 122.1, Arizona Supreme Court Rules, by filming the attorney conference between the defendant and the mitigation specialist, thereby interfering with the attorney-client relationship.

The Court authorized the media to broadcast the oral argument that occurred on November 4, 2014.

The media placed the videotaped proceeding online. Defense counsel objected to the broadcast of the portion of the proceeding that included the conversation between the defendant and the mitigation specialist.

The Court advised the public information officer for the Maricopa County Superior Court about the situation. She contacted the appropriate media representative. That representative agreed to immediately remove the portion of the videotaped proceeding that included the conversation between the defendant and the mitigation specialist. The camera operator was unaware he could not film conversations between the defendant and mitigation specialist.

Exhibit 1 is marked for identification in connection with the Defense Motion for Sanctions and admitted for the purposes of the Motion for Sanctions only.

The Court has viewed Exhibit 1. While counsel were at the bench, the pool camera focused on the defendant who was conversing with the mitigation specialist. The vantage point of the camera was such that nothing the defendant said was captured by the camera. Portions of statements made by the mitigation specialist were visible but there was no audio and much of what she said was blocked by the defense intern's head.

In light of all the facts and circumstances, the Court finds no sanction is appropriate for any violation of Supreme Court Rule 122 or 122.1 that occurred on November 4, 2014.

IT IS ORDERED denying the Motion for Sanctions.

Filed: Exhibit Worksheet

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Court and counsel discuss matters.

Various rulings made as stated on the record.

9:52 a.m. The Jury is now present.

Court and counsel discuss matters.

Dr. Micio Fonseca is sworn and testifies.

The Defense offers and admits Defense Exhibit 560 in evidence.

The Defense offers and admits Defense Exhibit 699 in evidence.

11:07 a.m. The Jury leaves the courtroom and Court remains in session.

Court and counsel discuss matters.

11:10 Court stands at recess.

11:26 a.m. Court reconvenes with respective counsel and the Defendant present.

Court Reporter, Mike Babicky, is present.

A record of the proceeding is also made by audio and/or videotape.

The Jury is present.

Dr. Micio Fonseca testifies further.

12:01 p.m. The Jury leaves the courtroom and Court remains in session.

Court and counsel discuss matters.

12:04 p.m. Court stands at recess.

1:45 p.m. Court reconvenes with respective counsel and the Defendant present.

Court Reporter, Mike Babicky, is present.

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The Jury is present.

Dr. Micio Fonseca testifies further.

3:00 p.m. Court stands at recess.

3:23 p.m. Court reconvenes with respective counsel and the Defendant present.

Court Reporter, Mike Babicky, is present.

A record of the proceeding is also made by audio and/or videotape.

The Jury is present.

Dr. Micio Fonseca testifies further.

4:27 p.m. Court stands at recess until 11/13/14 at 9:30 a.m. in this division.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>.
Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.